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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 9619  
Seiji NONAKA et al. : Docket No. 2000-1402  
Serial No. 09/679,308 : Group Art Unit 1745  
Filed October 6, 2000 : Examiner J. Mercado

ELECTRODE METAL MATERIAL,  
CAPACITOR AND BATTERY FORMED OF  
THE MATERIAL AND METHOD OF  
PRODUCING THE MATERIAL  
AND THE CAPACITOR AND BATTERY

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE OF THIS PAPER TO DEPOSIT  
NO. 23-0975

### RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of July 11, 2003, Applicants submit the following remarks in support of the allowance of the present application. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1, 3-10 and 121 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al., as well as the rejection of claims 122 and 123 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al. in view of Phillips, are respectfully traversed.

The Nonaka et al. reference (USP 6,493,210) is the patent which issued from the divisional application of the present application. During prosecution of the present application, the Examiner required restriction among (I) claims 1-10 and 28-34 drawn to an electrode and a capacitor, (II) claims 11-23, 35-53 and 80-120 drawn to a method of forming an electrode and a

Adjustment date: 06/18/2004 EEKURAY1  
11/06/2003 PFENNELL 00090001 230975- 09679308  
01 FC:1251- 110.00 CR

11/06/2003 PFENNELL 00090001 230975- 09679308  
01 FC:1251- 110.00 CR

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#307  
2004 MAY 17 PM 12:46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Seiji NONAKA et al. : Attn: ACCOUNTING DIVISION  
Serial No. 09/679,308 : REFUND BRANCH  
Filed October 6, 2000 : Attorney Docket No. 2000-1402  
ELECTRODE METAL MATERIAL, Confirmation No. 9619  
CAPACITOR AND BATTERY FORMED  
OF THE MATERIAL AND METHOD  
OF PRODUCING THE MATERIAL  
AND THE CAPACITOR AND BATTERY :

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Sir:

Applicants' attorney has been informed that his PTO Deposit Account (No. 23-0975) was charged \$110.00 on November 6, 2003 in connection with an Extension of Time. Perhaps this was in connection with a response to the Office Action of July 11, 2003. However, a Response to the Office Action was timely filed within the three month time period, on October 10, 2003. Please see the attached copy of the postcard receipt for this response.

Under these circumstances, Applicants' attorney request a refund of \$110.00, which should be credited to his PTO Deposit Account (No. 23-0975).

Respectfully submitted,

Seiji NONAKA et al.

By:

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May 12, 2004

2000-1402

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ATTY DOCKET #: 2000-1402

Due Date: October 11, 2003

Confirmation No. 9619

OUR REF: 2000-1402/MRD/00177

Applicant: Seiji NONAKA et al.

Serial No.: 09/679,308

Filing Date: October 6, 2000

Title: ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF  
THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE  
CAPACITOR AND BATTERY

Receipt of the following papers is acknowledged:

1. Response



THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Date: October 10, 2003

Attorney: MRD/nk

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